

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 21, 2000
7:30 P.M.**

The Durham City Council met on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Excused Absence: Council Member Langley.

Also present City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk D. Ann Gray and Acting Deputy City Clerk Linda E. Bratcher.

Mayor Tennyson called the meeting to order and at this time, Mayor Pro Tempore Clement thanked the Human Relations Commission and Department for their recent program held on February 17, 2000 at the Durham Armory. Council Member McKissick reminded his colleagues of the upcoming Solid Waste Summit to be held February 24-25, 2000.

Mayor Tennyson requested that the following item be added to the agenda:

Subject: Joint City/County Nominating Subcommittee for Charter Commission Members and Special Meeting of Council to Consider adoption of Resolution Establishing a Charter Commission

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve adding an item to the agenda as outlined in the above subject was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Ewell recognized Finance Director Nav Gill who made comments on Consent Item 3 regarding the General Obligation Bond Series 2000. Mr. Gill noted that the city's preliminary official statement is on file in the City Clerk's Office and it provides information to prospective bond buyers.

City Manager Ewell requested Council to refer Supplemental Item 1 [DATA] back to the administration. Mr. Ewell noted the lease agreement was not complete and this item will come before the Public Works Committee. The City Manager made comments on Consent Item 5 [Reallocation of Community Development Block Grant Funds]. Also the Council was provided a memo dated February 21, 2000 from Interim Housing Director John Mickle regarding this item. Council Member McKissick stated the information outlined in Mr. Mickle's memo noting the reprogramming of \$129,000 addressed his concerns

regarding the Old Five Points project.

City Clerk Gray informed Council of a sufficient protest petition filed against GBA Item 17 [Audubon Park].

There were no priority items from the City Attorney.

Mayor Tennyson noted the revisions to the Consent Agenda in settling the agenda at the Committee-of-the-Whole on Thursday, February 17, 2000. The Mayor noted the only item pulled from the Consent Agenda is Item 5 concerning the Reallocation of Community Development Block Grant Funds. He asked if any citizen(s) or council member(s) wanted to pull any additional item(s) from the Consent Agenda for discussion later in the meeting.

MOTION by Council Member McKissick seconded by Council Member Larson to approve the Consent Agenda as amended was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

[CONSENT AGENDA]

Subject: Passenger Vehicles for Hire Commission - Re-Appointments

MOTION by Council Member McKissick seconded by Council Member Larson to re-appoint Pernell Canaday (term to expire 1-1-03) and John Lyon (term to expire 1-1-01), representing Taxicab Operating Permit Holders, and Harry Rodenhizer, Jr. (term to expire 1-1-02), representing Elderly, to the Passenger Vehicles for Hire Commission was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Permit Bond Requirement

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an "Ordinance Amending City Code to Eliminate Requirement for Bonds to Guarantee Compliance with City Code or Damage to Public Infrastructure" was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11916

Subject: General Obligation Bond Series 2000A

MOTION by Council Member McKissick seconded by Council Member Larson to adopt a "Resolution Providing for the Issuance of \$15,185,000 General Obligation Public Improvement Bonds, Series 2000A" was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Resolution #8624

Subject: Final Approval - Rebuild Durham, Inc. HOME Project

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a CHDO Loan Agreement with Rebuild Durham, Inc. in an amount not to exceed \$460,000 and a CHDO Grant Agreement with Rebuild Durham, Inc. in an amount not to exceed \$47,700, both Agreements funded from FY 99-00 HOME funds, to provide partial funding for the acquisition/rehabilitation and permanent financing of 12 rental housing units for families with average family incomes at or below 60% median income; and

To authorize the City Manager to make minor changes to the Agreements as are consistent with City's affordable housing policies and the HOME regulations as published by the Department of Housing and Urban Development; and

To determine and find that funding for this rental housing project is not otherwise available, wholly or in part, from other public or private lenders upon equivalent or reasonably equivalent terms and conditions was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Contract with Hayti Development Corporation for Use of Community Development Block Grant Funds

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a Subrecipient Contract with Hayti Development Corporation, allocating \$150,000 in Community Development Block Grant funds for the revitalization of the 900 block of East Main Street was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Private Sale of Property at 847 Estes Street (City Tract #1836) to Jasper Roberts - Southwest Central Durham

Revitalization

MOTION by Council Member McKissick seconded by Council Member Larson to accept the offer of \$80,000 from Jasper Roberts to purchase the property at 847 Estes Street; and

To authorize the conveyance of the property by a non-warranty deed was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Selection of Collection Agency for Delinquent Parking Tickets

To re-affirm Council's action of December 6, 1999: To accept the proposal on a contingent fee basis (35% of revenue collected) from Law Enforcement Systems, Inc. to provide collection services to the City of Durham for delinquent parking tickets.

Motion by Council Member McKissick seconded by Council Member Larson to hold this item in abeyance for one agenda cycle was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Recreation Advisory Committee - Appointments

MOTION by Council Member McKissick seconded by Council Member Larson to re-appoint Tracy Lovett (term expires August 8, 2000) and William Smith (term expires August 8, 2001) and to appoint Donna Lou Dyer (term expires August 8, 2000) to the Recreation Advisory Committee was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Live Fire Training Exercise - 547 Homeland Avenue

MOTION by Council Member McKissick seconded by Council Member Larson to approve the burning of the structure located at 547 Homeland Avenue for a live fire training exercise for the Durham Fire Department was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Preliminary Plat Approval - Horton Hills, Section 9

MOTION by Council Member McKissick seconded by Council Member Larson to approve a preliminary plat for Horton Hills, Section 9, submitted by RL Horvath Associates, Inc., consisting of a 181 single family lot cluster subdivision on a 53.758 acre tract, zoned R-10 and R-20, in the Eno-B watershed, located on the north side of Horton Road and Maple Ridge Drive, east of Guess Road and Stadium Drive (Tax Map 749, Block) 01, Parcels 03 (partial), 03A, 03B (partial); PIN 0824-18-40-0658, 0824-18-41-6451, 0824-18-41-1098) was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Status of Small Area Plans Implementation Measures

MOTION by Council Member McKissick seconded by Council Member Larson to receive a report from the Administration regarding the status of Small Area Plans implementation measures was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: The "Bullevard" in Durham Central Park

To receive a progress report on the "Bullevard" in Durham Central Park.

Motion by Council Member McKissick seconded by Council Member Larson to hold this item until the March 2, 2000 Committee-of-the-Whole Meeting was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Recycling Services Contract Amendment #1

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract amendment with Tidewater Fibre Corporation for an amount not to exceed \$2,378,143 for the provision of recycling services, which includes \$2,347,643 for the contract year February 1, 2000 through January 31, 2001 and \$30,500 for the prior contract year; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar

amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Solid Waste Transfer Facility Improvement Project--Phase I - D. W. Ward Construction Company, Inc.

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract with D. W. Ward Construction Company, Inc. in the amount of \$1,619,341.00 for the Solid Waste Transfer Facility Improvement Project, Phase I; and

To authorize the City Manager to execute any necessary Change Orders encountered during the construction of the Solid Waste Transfer Facility Improvement Project, Phase I, provided the total cost of each individual Change Order does not exceed \$50,000.00 and that the total project cost does not exceed the project budget's contingency of 15% was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Durham Transportation Demand Management Plan

MOTION by Council Member McKissick seconded by Council Member Larson to receive a report from the Administration on the Durham Transportation Demand Management Plan was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Controlled Parking Residential Areas - Dupree Street and Cecil Street

a. Dupree Street

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an ordinance to establish a Controlled Parking Residential Area on both sides of Dupree Street between Lincoln Street and Alston Avenue was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11917

b. Cecil Street

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an ordinance to establish a Controlled Parking Residential Area on the north side of Cecil Street between Lincoln Street and Fayetteville Street was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11918

Subject: License Agreement with The Tuba Exchange, Inc.

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to enter into a License Agreement with The Tuba Exchange, Inc. to allow the installation of an overhead private telephone line was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Amendments to Capital Project Ordinances Concerning Water and Sewer Extensions and Improvements and Sewer Rehabilitation

MOTION by Council Member McKissick seconded by Council Member Larson to adopt a "Capital Project Ordinance Superseding Ordinance #11889 Concerning Water Lines Extensions and Improvements -FY 2000;" and

To adopt a "Capital Project Ordinance Superseding Ordinance #11890 Concerning Sewer Lines Extensions and Improvements -FY 2000"; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11755 Concerning Sewer Rehabilitation - FY 2000" was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11919

Ordinance #11920

Ordinance #11921

**Subject: Contract SR-23-Sanitary Sewer Rehabilitation by
Inversion Lining- Madsen Barr/Phillip Utilities
Management Corporation**

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract with Madsen-Barr/Philip Utilities Management Corporation, Incorporated in the amount of \$798,545 for Contract SR-23; and

To authorize the expenditure of up to \$850,000 from the Sewer Rehabilitation Account was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: North Carolina Department of Transportation Utility Agreements - Guess Road Widening Project (Project: U-2102)

MOTION by Council Member McKissick seconded by Council Member Larson to adopt a resolution to reimburse the North Carolina Department of Transportation an estimated amount of \$1,118,372.84 for the relocation and adjustment of municipally-owned water and sewer lines in the Guess Road Widening project; and

To adopt a resolution to reimburse the North Carolina Department of Transportation an estimated amount of \$36,000 to furnish all equipment, labor and materials necessary to install a 400 mm ductile iron restrained joint water main on the proposed bridge in the Guess Road Widening project; and

To authorize the expenditure of \$900,000 from the Water Extensions and Improvements Account; and

To authorize the expenditure of \$270,000 from the Sewer Extensions and Improvements Account was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Resolution #8625
Resolution #8626

Subject: Contract Amendment - Sanitary Sewer Flow Monitoring Network Improvements Contract, ADS Environmental Services

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute an amendment to the Sanitary Flow Monitoring Network Improvements Contract to include the installation of 15 pump station monitors; and

To authorize the expenditure of \$161,750 from the Sewer Rehabilitation Account was approved at 7:41 p.m. by the following

vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Fayetteville Road Widening Design Services - Kimley Horne and Associates

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract in an amount not to exceed \$1,000,000 with Kimley-Horn & Associates, Incorporated for design services for the widening of Fayetteville Road between N.C. 54 and Barbee Road was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Water Distribution Study - Pitometer Associates, Incorporated

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract in an amount not to exceed \$500,000 with Pitometer Associates, Incorporated to conduct a detailed and complete engineering analysis of the City's water distribution system was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Contract SW-2 - Miami Boulevard Sidewalk, Phase I - CCS General Contractors, Inc.

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract with CCS General Contractors, Inc. in the amount of \$86,819 for Contract SW-2; and

To authorize the expenditure of up to \$108,500 from the Community Development Account was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Contract SW-3 - Miami Boulevard Sidewalk, Phase II R & G Construction Company

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract with R

& G Construction Company in the amount of \$131,494.44 for Contract SW-3; and

To authorize the expenditure of up to \$164,500 from the Community Development Account was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Contract SW-4 - Roxboro Road Sidewalk, White Oak Construction Corporation of North Carolina

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract with White Oak Construction Corporation of North Carolina in the amount of \$131,961 for Contract SW-4; and

To authorize the expenditure of up to \$165,000 from the Community Development Account was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Contract SW-5 - Bacon Street Sidewalk - White Oak Construction Corporation of North Carolina

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract with White Oak Construction Corporation of North Carolina in the amount of \$43,150 for Contract SW-5; and

To authorize the expenditure of up to \$54,000 from the Community Development Account was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Contract ST-206 - Walltown Alley Paving - Carolina Asphalt Paving, Incorporated

MOTION by Council Member McKissick seconded by Council Member Larson to authorize the City Manager to execute a contract with Carolina Asphalt Paving, Incorporated in the amount of \$83,484.45 for Contract ST-206; and

To authorize the expenditure of up to \$105,000 from the Community Development Account was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson,

McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Report from Administration Concerning Recommended Improvements at Cornwallis Road and Fayetteville Street

MOTION by Council Member McKissick seconded by Council Member Larson to receive a report from the Transportation Division concerning recommended improvements at Cornwallis Road and Fayetteville Street; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11676 Concerning Street Capacity and Safety Improvements"; and

To adopt "An Ordinance Prohibiting Right Turns on Red for Westbound Traffic on Cornwallis Road (SR 1121) Turning Northbound on Fayetteville Street (SR 1118) was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11922

Ordinance #11923

Subject: Report from the Administration Concerning the Lyon Park Recreation Center, Calvary Ministries of the Westend Community, Inc.

MOTION by Council Member McKissick seconded by Council Member Larson to receive a report from the Administration concerning the Lyon Park Recreation Center; and

To receive a status report on the progress of the renovations at the Community Family Life and Recreation Center at Lyon Park; and

To authorize the City Manager to execute an amendment to the Development Agreement with Calvary Ministries of the Westend Community, Inc., increasing architectural fees an additional \$122,000 to a total of \$563,598 for construction management services was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Stop Signs - Clayton Crossing Subdivision

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an ordinance authorizing the installation of stop

signs at the following locations was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ginger Hill Lane at Clayton Road, southeast corner;
Hounds Chase Drive at Ginger Hill Lane, southeast corner;
Callahan Circle at Hounds Chase Drive, southwest corner; and
Hounds Chase Drive at Alpha Drive, northwest corner.

Ordinance #11924

Subject: Stop Signs - Courtney Creek Development

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

- 1) Courtney Creek Boulevard at Contravest Parkway, southeast corner;
- 2) Courtney Creek Boulevard at N.C. Highway 55, southwest corner; and
- 3) Contravest Parkway at N.C. Highway 55, southwest corner.

Ordinance #11925

Subject: Stop Sign - Crooked Creek

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an ordinance authorizing the installation of a stop sign at Wheeling Circle at Forge Road, northwest corner was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11926

Subject: Stop Signs - Hope Valley Farms - Linden Oaks

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

- 1) Linden Oaks Avenue at South Roxboro Street, northwest corner;
and
- 2) Alderbrook Lane at Linden Oaks Avenue, southwest corner.

Ordinance #11927

Subject: Twenty-five Mile Per Hour Speed Limit - Falconbridge

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

- 1) on Falconbridge Road from N.C. 54 to the end of City maintenance; and
- 2) on Dunbrook Drive from Farrington Road to Falconbridge Road.

Ordinance #11928

Subject: Twenty-five Mile Per Hour Speed Limit - Windcrest Road

MOTION by Council Member McKissick seconded by Council Member Larson to adopt an ordinance authorizing a speed limit of 25 mph on Windcrest Road from Barbee Road to Forge Road was approved at 7:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11929

At this time, the Mayor requested Council to take action on Consent Item 5 [Reallocation of Community Development Block Grant Funds].

Subject: Reallocation of Community Development Block Grant Funds

MOTION by Council Member Larson seconded by Council Member McKissick to authorize the reallocation of Community Development Block Grant funds in the amounts of \$129,000 from the Old Five Points Economic Development Project and \$45,000 from the Underwood Square Apartments Relocation Project to be reprogrammed so that an additional \$140,000 is allocated to the Economic Development Commercial Loan Pool and an additional \$34,000 is allocated to the Walltown Alley Closing and Fencing Project was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

[GENERAL BUSINESS AGENDA]

[Public Hearings]

Subject: Sewer Main - Continental Drive (Formerly Willowhaven Drive) from Umstead Road to South Property Line of Tax Map 809-1-7 (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. Property of Willowhaven Country Club, Inc.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Willowhaven Country Club, identified as Tax Map #809-1-3, Continental Drive, golf course, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$11,576.00 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy) was approved at 7:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

b. Property of Ellwood E. and Lou F. Hicks

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Ellwood E. and Lou F. Hicks, identified as Tax Map #811-1-55, Continental Drive, Lots 2A & 3, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$7,291.14 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy) was approved at 7:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

c. Property of Nina and Vladimir Litvinenko

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Nina and Vladimir Litvinenko, identified as Tax Map #811-1-50, 206 Continental Drive, Lots 6 & 7, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$7,972.39 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy) was approved at 7:43 p.m. by the

following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Sewer Main - Country Club Drive from Umstead Road to West Property Line of Tax Map 811-2-7 (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. Property of Willowhaven Country Club, Inc.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Willowhaven Country Club, identified as Tax Map #811-1-16, Country Club Drive, part of golf course, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$10,493.93 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service; and

To find that the property of Willowhaven Country Club, identified as Tax Map #811-1-16A, 253 Country Club Drive, Lot 1, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$11,585.00; and

To find that the property of Willowhaven Country Club, identified as Tax Map #811-2-12A, Country Club Drive, part of golf course, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$10,223.32 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy) was approved at 7:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

b. Property of T. C. and Juanita Y. Nutt

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of T. C. and Juanita Y. Nutt, identified as Tax Map #811-1-8, 215 Country Club Drive, Lots 1 & 2, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$7,207.32 (partial relief granted in accordance with City policy) was approved at 7:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

c. Property of Thomas E. and Diane S. Hunter

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Thomas E. and Diane S. Hunter, identified as Tax Map #811-2-12, 300 Country Club Drive, no lot #, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$7,276.98 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy) was approved at 7:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Sewer Main - Creekside Cove from November Drive to Cul-de-sac (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Wagstaff to find that the property of Allen and Margarette Muir, identified as Tax Map #809-5-10, 2411 Creekside Cove, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$4,687.41 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Sewer Main - Green Lane Drive from Country Club Drive to Country Club Drive (Mini Assessment Roll)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. Property of Walter L. and Cherrie S. Jones

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Walter L. and Cherrie S. Jones, identified as Tax Map #811-2-24, 2709 Umstead Road, Lot 15, Green Lane Drive, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$2,911.13 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy); and

To find that the property of Walter L. and Cherrie S. Jones,

identified as Tax Map #811-2-19A, part of Lot 16, vacant, Green Lane Drive, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$1,081.88 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

b. Property of Willowhaven Country Club, Inc.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Willowhaven Country Club, identified as Tax Map #811-2-19, Green Lane Drive, Part of Lot 17, vacant, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$2,373.70 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy); and

To find that the property of Willowhaven Country Club, identified as Tax Map #811-2-1, Green Lane Drive, Lots 15, 16 and Part of Lot 14, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$6,791.57 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy); and

To find that the property of Willowhaven Country Club, identified as Tax Map #811-2-12A, Green Lane Drive, golf course, vacant, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$4,678.40 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

c. Property of Thomas E. and Diane E. Hunter

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Thomas E. and Diane E. Hunter, identified as Tax Map #811-2-2A, 2721 Green Lane Drive, Part of Lot 14, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$4,386.00 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

**Subject: Sewer Main - November Drive from North Property Line of
Tax Map 809-6-3 to Thunder Road (Mini Assessment Roll)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. Property of Stephen J. and Ada M. Parrillo

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of Stephen J. and Ada M. Parrillo, identified as Tax Map #809-6-15, 2342 Thunder Road, November Drive, Lot 1, Section 2, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$2,469.60 (partial relief granted in accordance with City policy) was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

b. Property of M. G. and Betty H. Bobbitt, Jr.

MOTION by Council Member Larson seconded by Council Member Jacobs to find that the property of M. G. and Betty H. Bobbitt, Jr., identified as Tax Map #809-5-14, 302 November Drive, Lot 14, Section 1, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$3,395.70; and

To find that the property M. G. and Betty H. Bobbitt, Jr., identified as Tax Map #809-5-15, 308 November Drive, Lot 15, Section 1, has not benefited at this time from the sewer main improvement and to relieve the assessment in the amount of \$6,050.21 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property receive sewer service (in accordance with City policy) was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Street Closing - SC99-2, Indian Trail

Dick Hails, of the City/County Planning Department, stated they received comments from all the related emergency management and utility agencies and they all support the recommended street closing. It also noted the closing was in conformance with a subdivision plat approved in this area two years ago.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an order permanently closing 1,662.7± linear feet (1.93± acres) of Indian Trail was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11930

Subject: Zoning Matter Case: P99-69 - Annexation, City of Durham, 4.87 Acre Site Located off Cadillac Avenue between Packard Street and Aberdeen Drive

Case: P99-69 - Annexation

Initiated By: City of Durham

Location: The 4.87 acre site is located off Cadillac Avenue, between Packard Street and Aberdeen Drive. (Tax Map 685, Block 3, Lots 3, 4, 7; Tax Map 685, Block 2, Lot 11)

Request: RD (Rural District) (F/J-A)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish RD; F/J-A zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish RD; F/J-A zoning for the above described property newly annexed into the City was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Zoning Matter Case P99-70, Annexation, City of Durham, 30.01 Acre Site Adjacent to Lakehurst Subdivision, South of I-40 between Herndon Road and Grandale Road

Case: P99-70 - Annexation

Initiated By: City of Durham

Location: The 30.01 acre site is located adjacent to Lakehurst subdivision, south of I-40, between Herndon Road and Grandale Road. (Tax Map 525, Block 1, Lot 22, 22E)

Request: PDR 2.15 (Planned Density Residential with maximum of 2.15 units per area) (F/J-B)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish PDR 2.15; F/J-B zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member McKissick disclosed that he lived within a couple hundred feet of this property.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish PDR 2.15; F/J-B zoning for the above described property newly annexed into the City was approved at 7:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

**Subject: Zoning Matter Case P99-71, Annexation, City of Durham,
11.35 Acre Site Located on Freeman Road South of Cheek
Road**

Case: P99-71 - Annexation

Initiated By: City of Durham

Location: The 11.35 acre site is located on Freeman Road south of Cheek Road (Tax Map 675, Block 2, Lot 3)

Request: R-10 (Residential 10 District) (F/J-B)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish R-10; F/J-B zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish R-10; F/J-B zoning for the above described property newly annexed into the City was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Zoning Matter Case P99-72, Annexation, City of Durham, 18.0 Acre Site Located at the Intersection of Pickett Road and Cambridge Drive

Case: P99-72 - Annexation

Initiated By: City of Durham

Location: The 18.0 acre site is located at the intersection of Pickett Road and Cambridge Drive (Tax Map 457, Block 1, Lot 10 partial)

Request: R-20 (Residential 20 District)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish R-20 zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish R-20 zoning for the above described property newly annexed into the City was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

**Subject: Zoning Matter Case P99-73, Annexation, City of Durham,
16.44 Acre Site Located at the Intersection of Club
Boulevard and Glenn Road**

Case: P99-73 - Annexation

Initiated By: City of Durham

Location: The 16.44 acre site is located at the intersection of Club Boulevard and Glenn Road (Tax Map 681, Block 1, Lots 2A, 4)

Request: I-2 (Light Industrial District) and GC (General Commercial District) (F/J-B)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish I-2, GC and F/J-B zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish I-2, GC and F/J-B zoning for the above described property newly annexed into the City was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

**Subject: Zoning Matter Case P99-74, Annexation, City of Durham
16.66 Acre Site Located at the Intersection of Angier
Avenue and South Miami Boulevard**

Case: P99-74 - Annexation

Initiated By: City of Durham

Location: The 16.66 acre site is located at the intersection of Angier Avenue and South Miami Boulevard (Tax Map 643, Block 1, Lot 10)

Request: SC (Shopping Center District)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish

SC zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0
City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish SC zoning for the above described property newly annexed into the City was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

**Subject: Zoning Matter Case P99-75, Annexation, City of Durham,
1.03 Acre Site Located at the Intersection of Highway
70 and Pleasant Drive**

Case: P99-75 - Annexation

Initiated By: City of Durham

Location: The 1.03 acre site is located at the intersection of Highway 70 and Pleasant Drive (Tax Map 637, Block 1, Lot 40)

Request: GC (General Commercial District)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish GC zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish GC zoning for the above described property newly annexed into the City was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick,

Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

**Subject: Zoning Matter Case P99-76, Annexation, City of Durham,
67.46 Acre Site Located on Moriah Road, Northwest of US
15-501**

Case: P99-76 - Annexation

Initiated By: City of Durham

Location: The 67.46 acre site is located on Moriah Road, northwest of US 15-501 (Tax Map 476, Block 1, Lots 3, 4)

Request: PDR 4.74 (Planned Density Residential District with a maximum of 4.74 units per acre)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish PDR 4.74 zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish PDR 4.74 zoning for the above described property newly annexed into the City was approved at 7:51 p.m. by the following vote:

Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

**Subject: Zoning Matter Case P99-77, Annexation, City of Durham,
10.0 Acre Site Located on Hamlin Road near the
Intersection of Hamlin Road and Norfolk and Western
Railroad**

Case: P99-77 - Annexation

Initiated By: City of Durham

Location: The 10.0 acre site is located on Hamlin Road near the intersection of Hamlin Road and Norfolk and Western Railroad (Tax Map 615, Block 1, Lot 7A)

Request: I-2 (Light Industrial District) (F/J-B)--Initial zoning of property newly annexed into the City. No change in zoning classification is proposed.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish I-2; F/J-B zoning for the above described property newly annexed into the City.

Zoning Committee's Recommendation and Vote: Approval, 7-0

City/County Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish I-2; F/J-B zoning for the above described property newly annexed into the City was approved at 7:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Zoning Matter Case P98-55, Ford Whitley Properties, LLC., 3.315 Acres on NC 54 and Garrett Road

Case: P98-55 (Continued from the December 20, 1999 City Council Meeting)

Applicant: Ford Whitley Properties, LLC.

Location: 3.315 acres on NC 54 and Garrett Road, identified as Tax Map 426, Block 2, Lots 8 (partial), 9, 10, 11, 16 and 16A

Request: Rezoning from R-20 (Residential 20 District) and NC (Neighborhood Commercial District); F/J-B (Fall/Jordan Protected Area) to NC(D) (Neighborhood Commercial District with a Development Plan) and NC (Neighborhood Commercial District); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code by taking the above described property out of R-20, NC and F/J-B and placing same in and establishing same as NC(D), NC and F/J-B.

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Approval

Dick Hails, of the City/County Planning Department, noted the applicant provided a letter requested that this zoning case be withdrawn.

MOTION by Council Member Blyth seconded by Council Member Larson to approve the applicant's request for withdrawal of Case P98-55

was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Zoning Matter Case P99-19, Audubon Park-MacGregor Development, 25.31 Acres within the Audubon Park Development Adjacent to the Parkwood and Frenchman's Creek Subdivisions

Case: P99-19 (Continued from the February 7, 2000 City Council Meeting)

Applicant: Audubon Park - MacGregor Development

Location: 25.31 acres within the Audubon Park Development, adjacent to the Parkwood and Frenchman's Creek subdivisions (portions of Tax Map 532D-3-4, 5 and 532-1-12)

Request: Rezoning from RD(D) (Rural District with a Development Plan); F/J-B (Falls/Jordan Protected Area) to PDR 2.243 (Planned Density Residential with 2.243 units per acre maximum); F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code by taking the above described property out of RD(D); F/J-B and placing same in and establishing same as PDR 2.243; F/J-B.

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Approval

Note: Sufficient protest petition filed against this rezoning.

The City Council was provided a letter from the applicant requesting withdrawal of Case P99-19.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the applicant's request for withdrawal.

Council Member Blyth stated she would like for the public hearing to be held on this zoning case which would allow the residents an opportunity to be heard.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Wagstaff to open the public hearing and receive comments from the citizens **FAILED** at 7:56 p.m. by the following vote: Ayes: Council Members Blyth, Burnette, Edwards, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs and Larson. Absent: Council Member Langley.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the applicant's request to withdraw Case P98-55 was approved at 7:56 p.m. by the following vote: Ayes: Mayor

Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Larson, McKissick and Stith. Noes: Council Members Blyth, Edwards and Wagstaff. Excused Absence: Council Member Langley.

Subject: Zoning Matter Case P99-58, Kathleen Hock, 1.42 Acres at the Northeast Corner of North Duke and Frasier Streets

Case: P99-58

Applicant: Kathleen Hock

Location: 1.42 acres at the northeast corner of North Duke and Frasier Streets; Tax Map 743-3-5 (partial)

Request: Rezoning from OI-1 (Transitional Office and Institutional District) to OI-2(D) (General and Institutional District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code by taking the above described property out of OI-1 and placing same in and establishing same as OI-2(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City/County Planning Department's Recommendation: Approval

Sheila Stains-Ramp, of the City/County Planning Department, briefed the Council on this request.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ron Horvath, representing the applicant, spoke in support of the request.

No one spoke in opposition.

Mayor Tennyson declared the public hearing closed.

Council Member Stith disclosed that he operated a business about half mile away from this request.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code by taking the above described property out of OI-1 and placing same in and establishing same as OI-2(D) was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: Zoning Matter Case P99-63, Civil Consultants, Inc., 0.88 Acres on the North Side of Lyckan Parkway East of

Martin Luther King, Jr. Parkway

Case: P99-63

Applicant: Civil Consultants, Inc.

Location: 0.88 acres on the north side of Lyckan Parkway (3708), east of Martin Luther King, Jr. Parkway, Tax Map 465-1-9,10,10A

Request: Rezoning from RM-12 (Multifamily Residential District with a Maximum of 12 Units per Acre) to OI-1 (Transitional Office and Institutional District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code by taking the above described property out of RM-12 and placing same in and establishing same as OI-1.

Zoning Committee's Recommendation and Vote: Approval (5-2)

City/County Planning Department's Recommendation: Approval

Sheila Stains-Ramp, of the City/County Planning, briefed the council on this request.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Tony Whitaker, representing the applicant, spoke in support of the request. He noted there has been some concern about not having a development plan; however, he noted if it was council's desire he would take the time and prepare a development plan.

Sheila Stains-Ramp noted if a development plan is submitted it would typically go back to the Zoning Committee. She noted they have a site plan already with some level of commitment.

MOTION by Council Member Blyth seconded by Council Member McKissick to refer this item back to the Zoning Committee was approved at 8:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Subject: M99-6, Major Special Use Permit for Durham Fire Station #14, Umstead Road - Government Facility in a Residential Zone, Not to Include Correctional Facilities and Jails

Recommendation: Hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case. After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions) - To direct the

Planning Director to prepare a decision granting with conditions the Use Permit in Case M99-6. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council's action.)

Motion B: (Disapproval) - To direct the Planning Director to prepare a decision denying the Use Permit in Case M99-6. (Council should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action.)

Mayor Tennyson briefed the Council on the proceedings.

City Clerk Gray swore in the following individuals: Terri Danner; Helen Youngblood, Fire Chief Otis Cooper; Dan Jewel and Betty Pittard.

Mayor Tennyson asked if any council member(s) wish to withdraw because of a conflict which would prevent them from deciding this case in a fair and impartial manner. He asked if any council member(s) heard information about the case or than information presented at the committee meetings.

The Mayor asked the attorney for the applicant and for opponents or a representative from each to identify themselves.

There was no one present in opposition of the proposal.

The Mayor noted all information should be submitted as evidence and provided to the City Attorney and the other parties.

City Attorney noted the applicant for the Major Special Use Permit is the City of Durham and advised Council to treat the request in the same impartial and unbiased manner.

Mayor Tennyson opened the hearing.

Testimony from the Staff:

Terri Danner, of the City/County Planning, noted the applicant is Dan Jewel on behalf of the City of Durham. She noted the property is located of the southside of Umstead Road at Bivins and zoned R-20. She noted the request is for a Major Special Use Permit for a government facility for 6570 square feet one story fire station including 2880 apparatus. She noted the presence use is vacant and wooded surrounded by residential properties. She asked that the staff report be entered as evidence. Ms. Danner asked that one correction be made to the staff report that the roof of the building be painted a earth tone color that will coordinate with the brick and allow the metal roof. Ms. Danner made available the elevations of the building.

The Mayor asked if there was any objection in receiving the illustration made available by Ms. Danner.

There were no objections.

The Mayor asked if there were questions. There were no questions.

Testimony from the Applicant:

Dan Jewel stated he was present to answer any technical questions about the site, design issues and land use.

Fire Chief Cooper noted why the site was selected for fire station #14 [service goals to the area and current and future growth in the area].

The Mayor asked if there were any questions.

Mayor Pro Tempore Clement asked if the station would be unisex.

Fire Chief Cooper replied yes.

Council Member Jacobs asked what was the response time from the Duke Street station and the Treyburn station.

Fire Chief Cooper noted the nearest station #7 and the Lebanon Station the response time is 11 to 12 minutes.

There was no one present to speak in opposition.

Staff Recommendation:

Terri Danner, of the City/County Planning Department, stated the staff recommended approval of the Major Special Use Permit.

A motion was made by Council Member McKissick to approve an order granting the Major Special Use Permit for Durham Fire Station #14 for a government facility in a residential zone, not to include correctional facilities and jails; in doing so finding that this applicant has satisfied the conditions in Section 4A-2.4; Section 10, Section 13.2 of the governing ordinance subject to the special conditions contained in the staff report [conditions 1-10] and it will not adversely affect the health, safety or welfare of those residing or working in the area. This motion was seconded by Council Member Blyth.

Terri Danner noted also that Council further determines that a necessary condition to grant the permit upon the following: The applicant develop the improved use in conforming with the site plan and any amendments to such site plan and must be submitted to and approved by the city "inaudible" and the roof of the proposed building be painted in a earth tone color that coordinates with the brick.

MOTION by Council Member McKissick seconded by Council Member Blyth to approve an order granting the Major Special Use Permit for Durham Fire Station #14, Umstead Road was approved at 8:23

p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #11931

Mayor Tennyson closed the public hearing.

[Other Matters]

Subject: Cable Television - 2000 Rate for the Basic Service Tier

City Attorney Blinder noted if the Council did not approve the rate increase Time Warner would file an appeal and a proceeding would be held before the FCC and then the FCC would order the same result.

MOTION by Council Member Larson seconded by Council Member Stith to receive and accept the report of the Cable Consultant to Triangle J Council of Governments;

To receive comments from the public on the 2000 maximum permitted rates for the basic service tier and for equipment and installation; and

To approve the attached rate order was approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, and Council Members Burnette, Cheek, Hill, Jacobs, Larson, McKissick and Stith. Noes: Mayor Pro Tempore Clement and Council Members Blyth, Edwards and Wagstaff. Excused Absence: Council Member Langley.

Subject: City/County Merger Charter Commission - Funding

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution by the City Council of the City of Durham Authorizing the Charge of \$75,000.00 to the Contingency Account of the General Fund and a Credit of \$75,000.00 to the Nondepartmental Account"; and

To adopt "An Ordinance Amending the 1999-2000 City of Durham Budget Ordinance, the Same Being Ordinance #11771" was approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Cheek, Edwards, Hill, Jacobs, Larson, McKissick and Stith. Noes: Council Members Burnette and Wagstaff. Excused Absence: Council Member Langley.

Resolution #8627

Ordinance #11932

Subject: Request by Durham Jaycees for Distribution (Sale) of Beer to the General Public on the Civic Center Plaza at DURHAM ALIVE! Concert Series

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a request by the Durham Jaycees to distribute beer to the general public on the Civic Center Plaza as a part of the DURHAM ALIVE! Concert Series, conducted by Downtown Durham, Inc. and several private sponsors on April 27, May 25, June 29, July 27, and August 31 from 5:00 p.m. to 7:30 p.m. was approved at 8:48 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Cheek, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Pro Tempore Clement and Council Members Burnette and Edwards. Excused Absence: Council Member Langley.

[SUPPLEMENTAL ITEM]

Subject: DATA

Earlier in the meeting, City Manager Ewell requested that this item be referred to the administration.

a. Temporary DATA Location

To authorize the temporary relocation of the DATA operation in the absence of a Letter of No Prejudice and grant approval.

b. Lease Agreement - West Brothers Transfer, H & S Division

To authorize the City Manager to execute a Lease Agreement and a Memorandum of Lease with West Brothers Transfer, H & S Division, Incorporated, for the temporary relocation of the DATA operation.

To authorize the City Manager to make such changes to the Lease Agreement as he deems appropriate provided the changes do not substantially change the intent and purpose of the Lease.

MOTION by Council Member Larson seconded by Council Member Stith to refer this item to the administration was approved at 8:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

[ITEM ADDED TO THE AGENDA]

Subject: Joint City/County Subcommittee (Charter Commission) and Joint City Council/County Commissioners Meeting

Mayor Tennyson noted this item is to designate five members of Council to serve on the committee to review applications for the Charter Commission and to set a special meeting on February 29, 2000. The Mayor recommended the following individuals to serve on the committee: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Hill, Jacobs and McKissick.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to appoint the following individuals to the Joint City/County Subcommittee to review Charter Commission applications: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Hill, Jacobs and McKissick; and to set a Joint City Council/County Commissioners meeting on February 29, 2000 at 6:00 p.m.

Mayor Tennyson noted the County selected Commissioners Bell, Heron and Reckhow to serve on the committee to review Charter Commission applications.

Mayor Tennyson made comments on why the five individuals named were chosen to serve.

Council Member Burnette stated individual Council Members have expressed a desire to participate and requested that those individuals be nominated by the Council and approved by Council.

A substitute motion was made by Council Member Burnette that the selection of Council Members be nominated by the full Council to review the Charter Commission applications and to set a Joint City Council/County Commissioners Meeting on February 29, 2000. This motion was seconded by Council Member Wagstaff.

Council Member Larson requested that the substitute motion made by Council Member Burnette be severed.

SUBSTITUTE MOTION by Council Member Burnette seconded by Council Member Wagstaff to schedule a Joint City Council/Board of County Commissioners Meeting on Tuesday, February 29, 2000 at 6:00 p.m., City Council Chambers, to consider the adoption of a Resolution Establishing a Charter Commission was approved at 9:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBSTITUTE MOTION by Council Member Burnette seconded by Council Member Wagstaff that the selection of Council Members be nominated by the full Council to review the Charter Commission applications **FAILED** at 9:00 p.m. by the following vote: Ayes: Council Members Blyth, Burnette, Edwards, Jacobs, Stith and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Larson and McKissick. Excused Absence: Council Member Langley.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to appoint the following individuals to the Joint City/County Nominating Subcommittee [to review Charter Commission applications]: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Hill, Jacobs and McKissick was approved at 9:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs, Larson,

McKissick and Stith. Noes: Council Members Blyth, Burnette, Edwards and Wagstaff. Excused Absence: Council Member Langley.

There being no further business to come before the Council, the meeting was adjourned at 9:01 p.m.

D. Ann Gray, CMC
City Clerk